

MEMORIAL RESOLUTIONS

S.R. 340 - By Glasgow: In memory of Charles E. Pafford of Trophy Club.

S.R. 341 - By Glasgow: In memory of Clarence Vernon Dungan of Hamilton.

S.R. 342 - By Glasgow: In memory of Charles Washington Nelson of Dublin.

S.R. 343 - By Glasgow: In memory of George Carroll Goen, Sr., of Denton.

S.R. 344 - By Glasgow: In memory of Hughie J. Long of Cresson.

S.R. 345 - By Glasgow: In memory of George W. Patrick of Cleburne.

S.R. 346 - By Glasgow: In memory of Martin Nathaniel Fulcher of Stephenville.

S.R. 347 - By Glasgow: In memory of Florence G. Kearby of Mineral Wells.

S.R. 348 - By Glasgow: In memory of Charlie Rayford "Ray" Bridges of Granbury.

S.R. 350 - By Glasgow: In memory of William Melvin Cole, Jr., of Fort Worth.

S.R. 351 - By Glasgow: In memory of Mary A. Claborn of Rising Star.

CONGRATULATORY RESOLUTIONS

H.C.R. 138 - (Barrientos): Extending congratulations to Austin Lodge No. 12 of the Ancient Free and Accepted Masons.

S.R. 338 - By Brown: Extending congratulations to the coaches and players of the Clear Lake High School Falcons on their State Class 5A basketball championship.

S.R. 349 - By Lyon: Recognizing April 10 through April 15, 1989, as Whitehouse CAREs Week.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:54 p.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

Sent to Governor
(April 3, 1989)

S.C.R. 68

S.C.R. 84

S.C.R. 86

S.C.R. 94

S.C.R. 97

S.B. 315

S.B. 430

THIRTY-SEVENTH DAY

(Tuesday, April 4, 1989)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

A quorum was announced present.

The Reverend Charles Wallace, Presbyterian Minister, Alvord, offered the invocation as follows:

O God our Father, history and experience have given us so many evidences of Thy guidance to nations and to individuals that we should not doubt Thy power or Thy willingness to direct us. Give us the faith to believe that when God wants us to do or not to do any particular thing, God finds a way of letting us know it.

Teach us, O Lord, the disciplines of patience, for we find that to wait is often harder than to work.

When we wait upon Thee we shall not be ashamed, but shall renew our strength.

May we be willing to stop our feverish activities and listen to what Thou has to say, that our prayers shall not be the sending of night letters, but conversations with God.

May we not make it more difficult for Thee to guide us, but be willing to be led of Thee, that Thy will may be done in us and through us for the good of Texas, America and all mankind.

May we make it our motto and guide that "Jesus Christ is Lord over Texas." It is in His name that we pray. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

House Chamber
April 4, 1989

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

The House has granted the request of the Senate for the appointment of a Conference Committee to **S.B. 192**. The following have been appointed on the part of the House:

Hightower, Chairman
Williamson
Polumbo
Stiles
Telford

H.C.R. 190, Honoring the Austin-Travis County Livestock Show and Rodeo.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the captions had been read, the following enrolled bills and resolutions:

H.B. 190
H.B. 404
H.C.R. 138
H.C.R. 163
H.C.R. 180
H.C.R. 181

REPORTS OF STANDING COMMITTEES

Senator Harris submitted the following report for the Committee on Economic Development:

C.S.S.B. 620

Senator Montford submitted the following report for the Committee on State Affairs:

H.B. 750
H.B. 425
S.C.R. 82
S.B. 668
S.B. 637
S.B. 740
S.J.R. 26
C.S.S.B. 1400
C.S.S.B. 832
C.S.S.B. 415
C.S.S.B. 255
C.S.S.B. 261
C.S.S.B. 262
C.S.S.B. 769
C.S.S.B. 61
C.S.S.J.R. 5

Senator Glasgow submitted the following report for the Committee on Jurisprudence:

S.B. 1104 (Amended)
S.B. 736
S.B. 247
S.B. 330

SENATE BILLS AND RESOLUTIONS ON FIRST READING

On motion of Senator Washington and by unanimous consent, the following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.R. 362 by Washington Education
Requesting Texas Southern University, The University of Texas System and The Texas A&M University System immediately undertake a study of the desirability of making Texas Southern University a component of one of the two major university systems.

S.R. 363 by Washington Administration
Establishing the Advisory Committee on the Mental Health Care of Deaf or Hearing Impaired Adults and Children to the Commissioner of Mental Health and Mental Retardation to examine and evaluate a Statewide comprehensive inpatient and outpatient mental health care and treatment program.

S.R. 364 by Washington Administration
Reestablishing the Transition Services Task Force established to help people with disabilities who are capable of living independently.

S.C.R. 106 by Truan, Brooks Health and Human Services
Directing the Texas Water Commission to study funding needs for the cleanup of State registry sites.

S.B. 1629 by Uribe Jurisprudence
Relating to the sale of estate property to the personal representative of the estate.

S.B. 1630 by Uribe Education
Relating to the definition of "handicapped person" for the purposes of education, training, and special services provided by a rehabilitation district.

S.B. 1631 by Caperton Criminal Justice
Relating to mandatory presentence investigations of convicted felons.

S.B. 1632 by Caperton Intergovernmental Relations
Relating to compensation for members of the juvenile board in Waller County.

S.B. 1633 by Dickson Criminal Justice
Relating to offenses committed by an actor against the actor's spouse or a member of the actor's family or household, including the offense of destruction of community property.

S.B. 1634 by Sims Natural Resources
Relating to the creation, administration, powers, duties, operation, and financing of the Reagan County Underground Water Conservation District.

S.B. 1635 by Sims Natural Resources
Relating to the creation, administration, powers, duties, operation, and financing of the Crockett County Underground Water Conservation District.

S.B. 1636 by Sims Natural Resources
Relating to the creation, administration, powers, duties, operation, and financing of the Bandera County Water Management District.

S.B. 1637 by Bivins Economic Development
Relating to assignment, amendment, and administration of financing statements filed with the secretary of state.

S.B. 1638 by Brooks Health and Human Services
Relating to participation in health maintenance organizations by state employees and equal contribution for group insurance coverages.

HOUSE BILL ON FIRST READING

The following bill received from the House was read the first time and referred to the Committee indicated:

H.B. 85. To Committee on State Affairs.

CO-AUTHOR OF SENATE BILL 700

On motion of Senator Lyon and by unanimous consent, Senator Edwards will be shown as Co-author of S.B. 700.

GUEST PRESENTED

Senator Lyon was recognized and presented Dr. D. K. Patterson of Greenville.

The Senate welcomed Dr. Patterson, a participant in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, and expressed appreciation for his contributions today.

SENATE RESOLUTION 357

Senator Glasgow offered the following resolution:

S.R. 357, Congratulating the citizens of Wise County on "Wise County Day."

The resolution was read and was adopted viva voce vote.

GUESTS PRESENTED

Senator Glasgow introduced citizens of Wise County and county officials.

SENATE RESOLUTION 359

Senator Krier offered the following resolution:

S.R. 359, Congratulating the Regional Day School Program for the Deaf, created in 1973 to enable hearing-impaired children to remain with their families and be educated in their home communities, on achieving national recognition and further recognizing the efficient and practical use of resources through the Program to benefit hearing-impaired children in their local programs.

The resolution was read and was adopted viva voce vote.

GUESTS PRESENTED

Upon recognition, Senator Krier introduced, seated in the Gallery, teachers and parents of hearing-impaired children.

The Senate welcomed these guests.

SENATE RESOLUTION 352

Senator Armbrister offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Mr. Glen H. McLaughlin for his years of dedicated service to the people of Texas; and

WHEREAS, He is respected for his honesty and integrity throughout his long career and for his innovative approach to public safety; and

WHEREAS, From November 3, 1939, until his retirement August 31, 1977, Chief McLaughlin was a vital part of the Texas Department of Public Safety; and

WHEREAS, He began his career as a chemist in the Bureau of Intelligence and his devotion to his work in assisting law enforcement agencies statewide in their criminal investigations gained him a promotion to Laboratory Expert in 1942; and

WHEREAS, In 1945 he was promoted to Chief of the Bureau of Identification and Records and, again, in 1957 to Chief of Personnel and Staff Services; and

WHEREAS, Retiring in 1977 as Chief of Administration, a position he had held since 1973, Mr. McLaughlin assumed full-time duties with the Texas Police Association; and

WHEREAS, A member of the Texas Police Association since 1939, he was appointed Executive Director and served in that capacity until his retirement in January, 1989; and

WHEREAS, Under his direction and guidance, some 50,000 peace officers and law enforcement personnel received approximately two million contact hours of training provided and/or coordinated through the Texas Police Association; and

WHEREAS, The State of Texas has benefitted enormously from the wisdom and expertise of this illustrious public servant who has conscientiously discharged his duties in a most exemplary manner; and

WHEREAS, He was elected president of the International Association of Identification Officers in 1949 and was instrumental in organizing the Texas chapter; and

WHEREAS, In the early 1960s he played a major role in legislation, which was enacted in 1965, resulting in the establishment of the Texas Commission on Law Enforcement Officer Standards and Education; and

WHEREAS, His wisdom, expertise, and concern for law enforcement will be remembered by the many officers who benefitted from his work as chairman of the commission which certifies and licenses law enforcement personnel; and

WHEREAS, In 1971 he helped establish a multistate training study conducted by the American Justice Institute addressing role training programs for law enforcement officers, prosecuting attorneys, judges, and correctional workers; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 71st Legislature, hereby commend Chief McLaughlin for his lifetime of work for the public good with best wishes for a happy and rewarding retirement; and, be it further

RESOLVED, That a copy of this Resolution be prepared for him as a token of deep respect and appreciation from the Texas Senate.

The resolution was read and was adopted viva voce vote.

GUESTS PRESENTED

At the President's request, Senator Armbrister escorted Chief McLaughlin and his family to the President's Rostrum.

The President presented an enrolled copy of S.R. 352 to Chief McLaughlin.

SENATE RESOLUTION 367

Senator Edwards offered the following resolution:

S.R. 367, Congratulating the citizens of Ellis County on "Ellis County Day" with best wishes for a most memorable and joyous celebration.

The resolution was read and was adopted viva voce vote.

GUESTS PRESENTED

Senator Edwards introduced a large delegation of Ellis County citizens seated in the Senate Gallery.

The Senate welcomed these guests.

SENATE RESOLUTION 356

Senator Glasgow offered the following resolution:

S.R. 356, Congratulating the students from across the State who are dedicated to scientific inquiry and research on their success at the Texas Academy of Math and Science at the University of North Texas.

The resolution was read and was adopted viva voce vote.

GUESTS PRESENTED

Senator Glasgow introduced the following Academy students: Cody Dunagan, Maria Aurora Garcia, Andrea Roth, Michael Shelton, Edward Thompson and Sharhonda Wilks.

Accompanying them and also welcomed as guests today were Dr. Roger Redding, Annetta Ramsay and Cletus Johnson.

Senator Glasgow also introduced Dr. Al Hurley, President of the University of North Texas, and Mrs. Hurley.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
April 4, 1989

TO THE SENATE OF THE SEVENTY-FIRST LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE BRAZOS RIVER AUTHORITY BOARD OF
DIRECTORS, FOR A TERM TO EXPIRE FEBRUARY 1, 1995:

ROBERT ELLINGTON HEBERT
65 Queen Mary Court
Sugar Land, Texas 77479

Mr. Hebert will be replacing Walter Clifford Wiese, Jr., of Calvert, whose term expired.

TO BE A MEMBER OF THE TEXAS HOUSING AGENCY BOARD OF
DIRECTORS, FOR A TERM TO EXPIRE JANUARY 31, 1995:

ROGERS POPE
1300 Mockingbird
Longview, Texas 75601

Mr. Pope will be replacing J. Stanley Stephens of Bryan, whose term expired.

TO BE A MEMBER OF THE ANGELINA AND NECHES RIVER
AUTHORITY, BOARD OF DIRECTORS, FOR A TERM TO EXPIRE
SEPTEMBER 5, 1991:

PAUL RICHARD RIEHLE
Route 5, Box 6845
Lufkin, Texas 75901

Mr. Riehle will be filling the unexpired term of Richard Baldwin of Camden, who resigned.

TO BE MEMBERS OF THE TEXAS REAL ESTATE COMMISSION, FOR
TERMS TO EXPIRE JANUARY 31, 1995:

HENRY SANTAMARIA
801 Somerset
El Paso, Texas 79912

Mr. Santamaria will be replacing Rachel Perelman of Brownsville, whose term expired.

MARSHA SPENCER
5110 San Felipe 193W
Houston, Texas 77056

Ms. Spencer will be replacing David Cook of Houston, whose term expired.

TO BE A MEMBER OF THE PRODUCE RECOVERY FUND BOARD, FOR
A TERM TO EXPIRE JANUARY 31, 1995:

STEVEN L. WELTMAN
3911 E. Wisteria Circle
Sugar Land, Texas 77479

Mr. Weltman is being reappointed.

Respectfully submitted,

/s/W. P. Clements, Jr.
William P. Clements, Jr.
Governor of Texas

SENATE JOINT RESOLUTION 58 ON SECOND READING

On motion of Senator Uribe and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.J.R. 58, Proposing a constitutional amendment providing a time within which asbestos cost-recovery actions may be brought.

The resolution was read second time.

Senator Uribe offered the following amendment to the resolution:

Amend SECTION 1 of **S.J.R. 58** as follows:

(1) At page 1, line 14, add the following:

"(b) This section does not apply to actions brought to recover for personal injuries."

(2) Renumber current (b) as (c).

The amendment was read and was adopted viva voce vote.

On motion of Senator Uribe and by unanimous consent, the caption was amended to conform to the body of the resolution as amended.

The resolution as amended was passed to engrossment viva voce vote.

SENATE JOINT RESOLUTION 58 ON THIRD READING

Senator Uribe moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.J.R. 58** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 6.

Yeas: Barrientos, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Harris, Henderson, Johnson, Krier, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sims, Tejeda, Truan, Uribe, Zaffirini.

Nays: Armbrister, Bivins, Haley, Leedom, Ratliff, Washington.

Absent: Whitmire.

The resolution was read third time and was passed by the following vote: Yeas 24, Nays 7.

Yeas: Barrientos, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Harris, Henderson, Johnson, Krier, Lyon, Montford, Parker, Parmer, Santiesteban, Tejada, Truan, Uribe, Washington, Whitmire, Zaffirini.

Nays: Armbrister, Bivins, Haley, Leedom, McFarland, Ratliff, Sims.

HONORARY PAGES INTRODUCED

Senator Sims introduced the following Tivy High School of Kerrville students serving as Honorary Pages today: Julie Burditt, Megan Crate and Lynette Kilgore.

Also serving as an Honorary Page today is Stephan Richmann, a Rotary exchange student from Bonn, West Germany.

The Senate welcomed these young people, expressing their appreciation for their service.

SENATE BILL 1399 ON SECOND READING

Senator Uribe moved to suspend the regular order of business to take up for consideration at this time:

S.B. 1399, Relating to the time within which an action to recover damages resulting from the presence of asbestos-containing materials in a building or facility may be brought.

The motion prevailed by the following vote: Yeas 24, Nays 7.

Yeas: Barrientos, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Harris, Henderson, Johnson, Krier, Lyon, McFarland, Parker, Parmer, Santiesteban, Tejada, Truan, Uribe, Washington, Whitmire, Zaffirini.

Nays: Armbrister, Bivins, Haley, Leedom, Montford, Ratliff, Sims.

The bill was read second time.

Senator Uribe offered the following amendment to the bill:

Amend **SECTION 1** of **S.B. 1399** as follows:

(1) At page 1, line 16, add the following:

“(b) This section does not apply to actions brought to recover for personal injuries.”

(2) Renumber subsequent paragraphs.

The amendment was read and was adopted viva voce vote.

On motion of Senator Uribe and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

MOTION TO PLACE

SENATE BILL 1399 ON THIRD READING

Senator Uribe moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 1399** be placed on its third reading and final passage.

The motion was lost by the following vote: Yeas 24, Nays 7. (Not receiving four-fifths vote of Members present)

Yeas: Barrientos, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Harris, Henderson, Johnson, Krier, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Nays: Armbrister, Bivins, Haley, Leedom, Ratliff, Sims, Washington.

**MOTION TO PLACE COMMITTEE SUBSTITUTE
SENATE BILL 306 ON THIRD READING**

Senator Harris moved to suspend the regular order of business to take up for consideration at this time on its third reading and final passage:

C.S.S.B. 306, Relating to brackets establishing ranges of cash advances or balances to which certain rates of charges apply in Article 3.15(1), Title 79, Revised Statutes (Article 5069-3.15(1), Vernon's Texas Civil Statutes).

The motion was lost by the following vote: Yeas 16, Nays 15. (Not receiving two-thirds vote of Members present)

Yeas: Bivins, Brooks, Brown, Haley, Harris, Henderson, Krier, Leedom, McFarland, Montford, Parker, Ratliff, Santiesteban, Sims, Tejeda, Washington.

Nays: Armbrister, Barrientos, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Johnson, Lyon, Parmer, Truan, Uribe, Whitmire, Zaffirini.

SENATE BILL 623 ON SECOND READING

Senator Johnson asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 623, Relating to certain purchases by school districts.

There was objection.

Senator Johnson then moved to suspend the regular order of business and take up **S.B. 623** for consideration at this time.

The motion prevailed by the following vote: Yeas 24, Nays 5.

Yeas: Barrientos, Bivins, Brooks, Caperton, Carriker, Dickson, Edwards, Glasgow, Haley, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Ratliff, Santiesteban, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

Nays: Armbrister, Brown, Green, Henderson, Parmer.

Absent: Harris, Sims.

The bill was read second time.

Senator Johnson offered the following committee amendment to the bill:

Amend **S.B. 623**, Section 1, as follows:

(1) Reletter Subsection (g) as (g)(1) and renumber the subsections accordingly.

(2) Change (g)(1) to (g)(1)(A) and insert "for which competition is precluded because of the existence of a" in place of "protected by" after "item."

(3) Change (g)(4) to (g)(1)(D) and insert "captive" between "a" and "replacement."

(4) Add (g)(2) to read as follows:

"(g)(2) The exceptions provided by this section shall not apply to mainframe data-processing equipment and peripheral attachments with a single-item purchase price in excess of \$10,000."

The committee amendment was read and was adopted viva voce vote.

On motion of Senator Johnson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

SENATE BILL 623 ON THIRD READING

Senator Johnson moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that S.B. 623 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 5.

Yeas: Barrientos, Bivins, Brooks, Caperton, Carriker, Dickson, Edwards, Glasgow, Haley, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Ratliff, Santiesteban, Sims, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Nays: Armbrister, Brown, Green, Parmer, Washington.

Absent: Harris.

The bill was read third time and was passed viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 789 ON SECOND READING

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 789, Relating to the creation of the offense of interference with railroad property.

The bill was read second time and was passed to engrossment viva voce vote.

RECORD OF VOTE

Senator Washington asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 789 ON THIRD READING

Senator Montford moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 789 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

RECORD OF VOTES

Senators Carriker and Washington asked to be recorded as voting "Nay" on the final passage of the bill.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1421 ON SECOND READING**

On motion of Senator Caperton and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 1421, Relating to certain premium taxes and retaliatory taxes imposed on certain insurers and the payment of tax refunds to those insurers.

The bill was read second time and was passed to third reading viva voce vote.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1421 ON THIRD READING**

Senator Caperton moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.H.B. 1421** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1044 ON SECOND READING

On motion of Senator McFarland and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1044, Relating to a nonsubstantive revision of the laws relating to corrections, including criminal penalties and conforming amendments.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 1044 ON THIRD READING

Senator McFarland moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 1044** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 567 ON SECOND READING**

On motion of Senator Truan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 567, Relating to granting limited law enforcement authority to civilian special agents of the United States Naval Investigative Service.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 567 ON THIRD READING**

Senator Truan moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 567 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

(Senator Harris in Chair)

**MOTION TO PLACE COMMITTEE SUBSTITUTE
SENATE BILL 217 ON SECOND READING**

Senator Lyon moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 217, Relating to the regulation by the public utility commission of fuel cost collection by electric utilities.

The motion was lost by the following vote: Yeas 18, Nays 13. (Not receiving two-thirds vote of Members present)

Yeas: Armbrister, Bivins, Brooks, Brown, Green, Haley, Harris, Henderson, Krier, Leedom, Lyon, McFarland, Montford, Ratliff, Santiesteban, Sims, Whitmire, Zaffirini.

Nays: Barrientos, Caperton, Carriker, Dickson, Edwards, Glasgow, Johnson, Parker, Parmer, Tejeda, Truan, Uribe, Washington.

SENATE BILL 58 ON SECOND READING

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 58, Relating to the amounts of certain annuities payable by the Employees Retirement System of Texas.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 58 ON THIRD READING

Senator Barrientos moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that S.B. 58 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

SENATE BILL 102 ON SECOND READING

On motion of Senator Leedom and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 102, Relating to the creation of the State Trust Fund Investment Review Council and the review of investment of certain state funds.

The bill was read second time.

Senator Leedom offered the following amendment to the bill:

Floor Amendment No. 1

Amend S.B. 102 by striking SECTION 2(a) and substituting in lieu thereof the following:

"SECTION 2. (a) The State Trust Fund Investment Review Council is composed of:

- (1) one member appointed by the chairman of the State Board of Education;
- (2) one member appointed by the chairman of the Board of Regents of the University of Texas System;
- (3) one member appointed by the chairman of the Board of Trustees of the Employees Retirement System of Texas;
- (4) one member appointed by the chairman of the Board of Trustees of the Teacher Retirement System of Texas;
- (5) two members of the State Pension Review Board appointed by its chairman;
- (6) four members appointed by the governor, of whom:
 - (A) one is an internal manager of a private pension fund with assets of \$100 million or more;
 - (B) one is a trustee of a public pension system with assets of \$25 million or more;
 - (C) one is a trustee of a public pension system with assets of less than \$25 million; and
 - (D) one has demonstrated financial expertise and broad investment experience; and
- (7) the comptroller of public accounts and the state treasurer, who shall not delegate responsibility for or designate a representative to the council."

The amendment was read and was adopted viva voce vote.

Senator Leedom offered the following amendment to the bill:

Floor Amendment No. 2

Amend S.B. 102 by adding Subsection (d) to SECTION 2 as follows:

"(d) The State Pension Review Board shall staff the council."

The amendment was read and was adopted viva voce vote.

Senator Leedom offered the following amendment to the bill:

Floor Amendment No. 3

Amend S.B. 102 by adding Subsection (c) to SECTION 4 to read as follows:

"(d) This Act shall not diminish, impair, contradict, or in any way affect the duties, powers, or authorities granted or imposed upon a governing body of a state trust fund or a public pension system by the constitution or other laws of this state."

The amendment was read and was adopted viva voce vote.

On motion of Senator Leedom and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

SENATE BILL 102 ON THIRD READING

Senator Leedom moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 102** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

(President in Chair)

SENATE RULE 11.11 SUSPENDED

On motion of Senator Brooks and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Health and Human Services might consider **H.B. 753** today upon recess.

SENATE BILL 1192 REREFERRED

On motion of Senator Edwards and by unanimous consent, **S.B. 1192** was withdrawn from the Committee on State Affairs and rereferred to the Committee on Health and Human Services.

RECESS

On motion of Senator Brooks, the Senate at 12:52 p.m. took recess until 12:55 p.m. today.

AFTER RECESS

The Senate met at 12:55 p.m. and was called to order by the President.

REPORT OF STANDING COMMITTEE

By unanimous consent, Senator Brooks submitted the following report for the Committee on Health and Human Services:

H.B. 753**MEMORIAL RESOLUTIONS**

S.C.R. 103 - By Brooks: In memory of Mrs. Jean Mills of Galveston.

S.R. 353 - By Armbrister: In memory of O. T. "Tom" Moore, Jr., of Lockhart.

S.R. 354 - By Armbrister: In memory of Judge Edwin Parker Slater of Luling.

WELCOME AND CONGRATULATORY RESOLUTIONS

H.C.R. 131 - (Parmer): Honoring Donald Meek and bestowing on him the designation of Distinguished Texas Aviator.

H.C.R. 190 - (Barrientos): Honoring the Austin-Travis County Livestock Show and Rodeo.

S.C.R. 104 - By Leedom: Extending congratulations to the Federal Republic of Germany on its 40th anniversary of the proclamation of its Constitution.

S.C.R. 105 - By McFarland: Honoring Texas Ranger pitcher Nolan Ryan as an official Texas hero.

S.R. 355 - By Brooks: Recognizing Butch Baird of Miami, Florida, for his participation in the Galveston Island Senior Olympics.

S.R. 358 - By Montford: Commending the Tech Band Sorority of Texas Tech University for its 50 years of service.

S.R. 361 - By Glasgow: Extending welcome to Reverend Chuck Wallace.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 1:01 p.m. adjourned, in memory of Dr. Martin Luther King, Jr., until 11:00 a.m. tomorrow.

APPENDIX

Signed by Governor
(April 3, 1989)

H.C.R. 164

H.C.R. 166

THIRTY-EIGHTH DAY (Wednesday, April 5, 1989)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Our Heavenly Father, for all the difficulties that may confront us, sustain us . . . for all the questions we may have to resolve, give wisdom. In those things that matter most, increase our knowledge and in those things we now only know in part, give us a clear understanding. Teach us that with Your grace all things are possible.

In Your name we pray. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate the following enrolled resolutions:

H.C.R. 131

H.C.R. 190

REPORTS OF STANDING COMMITTEES

Senator Sims submitted the following report for the Committee on Administration:

S.C.R. 57